

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

TRANSAMERICA LIFE INSURANCE
COMPANY,

Plaintiff

vs.

JOSEPH CARAMADRE, RAYMOUR
RADHAKRISHNAN, ESTATE PLANNING
RESOURCES, INC., ESTELLA
RODRIGUES, EDWARD MAGGIACOMO,
JR., LIFEMARK SECURITIES CORP., and
PATRICK GARVEY,

Defendants.

C.A. No. 09-471-S

MOTION TO DISMISS OF DEFENDANT EDWARD L. MAGGIACOMO, JR.

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Edward L. Maggiacomo, Jr. ("Mr. Maggiacomo") hereby moves to dismiss plaintiff's Amended Complaint, for the reasons set forth in his memorandum in support thereof filed simultaneously herewith.

EDWARD L. MAGGIACOMO, JR.

By his Attorney,

/s/ Anthony M. Traini

Anthony M. Traini (#4793)

Anthony M. Traini, P.C.

56 Pine Street, Suite 200

Providence, RI 02903

Tel. (401) 621-4700

Fax. (401) 621-5888

amt@trainilaw.com

Dated: December 4, 2009

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2009, a copy of the within document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Anthony M. Traini